



Public Policy on Electric Vehicle Charging Stations

Policy

CAI supports legislation that recognizes the core principle of self-governance and co-ownership of common property and the community association housing model. As each association is unique, legislation should allow the community to determine the most efficient, fair, and effective method to provide electric vehicle charging stations. Legislation or policy must respect the financial capability of associations to provide for the stations and allow associations to equitably allocate the cost of the charging stations to those who benefit.

About the Community Association Housing Model

While community associations come in many forms and sizes, all associations share three basic characteristics: (1) membership in the association is mandatory and automatic for all property owners; (2) certain legal documents bind all owners to defined land-use requirements administered by the community association; and (3) all property owners pay mandatory lien-based assessments that fund association operations.

The community association housing model is actively supported by local government as it permits the transfer of many municipal costs to the association and homeowners. Today, many community associations deliver services that once were the exclusive province of local government usually funded by government-levied property taxes.

Community associations are governed by a board of directors or trustees comprised of owners and residents elected by their neighbors. This board guides the association in providing governance and other critical services for the community.

Background

The decrease in cost and the increase in options of electric vehicles as well as world-wide, aggressive public policy goals to limit carbon dioxide emissions means electric vehicles are becoming increasingly popular. States and local governing bodies have invested in vehicle fleets and the development of public infrastructure to support the growth of electric vehicles. Demand driven by popularity and policy, means more homeowners in community associations will have a need to charge their electric vehicle.

Many newly developed commercial and residential properties, including condominiums, are installing charging stations. States are also considering laws that prohibit community associations from preventing the installation of stations.

Parking Spaces in a Community Association

Each community association is unique, so the allocation or ownership of the parking areas differs from one form to another and even within the same form.

Homeowners Associations and Planned Communities. Parking in community associations is complicated. In a homeowner's association or planned community, an owner may own their garage, carport, or driveway as exclusive use property. Associations having parking spaces that are deeded or permanently assigned need to be treated differently.

Condominium and Housing Cooperatives. Parking in condominiums may be general common elements or exclusive-use property. This means parking spaces may or may not be assigned or deeded. In some instances, governing boards are without legal authority to assign a space to an owner of an electric vehicle or have the ability to designate the type of vehicle that may park in a particular space.

Installation and Maintenance

Since ownership of parking spaces vary, the position of authority for installation needs to be considered. For example, if the governing documents provide for the permanent assignment of a parking space, and a unit owner's parking space is unsuitable for the installation of a charging station governing boards will, where permitted under the governing documents, be faced with coordinating new assignments with at least one other unit owner whose assigned space is more suitable.

Communities with owners of deeded or assigned parking spaces that are not enclosed will typically vet and adopt a rule regarding the application for installation of charging stations that are free-standing. In these instances, associations may require prior approval, compliance with location and aesthetic placement, addressing issues related to costs of installation, maintenance, repair and removal. Additionally, the governing board may, where authorized, be required to grant easements to a utility company to run power to the charging station.

Associations with unit owners living with disabilities and who require accessible parking will need to comply with related fair housing laws.

Challenges with liability exist in the installation and in the use and maintenance of charging stations. Associations whose parking lot is a general common element or whose electricity is allocated, instead of sub-metered, could be burdened with the financial expense to provide the power to charge vehicles. General maintenance of the charging station and the liability of damages done to property or persons due to negligence if the unit is damaged is a responsibility that should be borne by the unit owner and not the association.

Recommendation

CAI supports legislation which recognizes the core principle of self-governance and co-ownership of common property of the community association housing model. CAI supports legislation that permits the association to enact reasonable rules and regulations concerning the costs, installation, maintenance, and removal of a charging station.

CAI supports legislation or other public policies that incentivize associations to provide for electric vehicle charging, but allows for the unique needs and the ability of each association to

best determine the most efficient method to provide for these needs. Legislation or policy must respect the financial capability of associations to provide for charging stations and allow associations to equitably allocate costs of charging stations to those who benefit.

CAI supports legislation that permits a governing board or an architectural committee to review a written request by a unit owner for the installation of a charging station at a regularly occurring meeting or through the association's normal approval process. CAI supports legislation that permits the association to impose reasonable charges to recover the costs of the review and permitting of the station. Further, CAI supports legislation that renders the benefitted unit owners responsible for all costs associated with the installation, use, maintenance and removal of the charging station.

See Oregon Statute [100.627](#) for samples of language.

Policy History:

Approved by the Government and Public Affairs Committee – December 11, 2018

Adopted by the Board of Trustees, January 23, 2019.